

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
October 3, 2016  
7:00 p.m.**

**Mayor Joseph M. Butler, Jr. Presiding**

**Present:**                **Council Member Cody J. Horbacz  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Council Member Mark C. Walczyk  
Mayor Butler**

**Also Present:**        **Sharon Addison, City Manager  
Robert J. Slye, City Attorney**

**City staff present:** Matthew Roy, James Mills, Brian Phelps, Amy Pastuf, Justin Wood, Michael Lumbis, Fire Chief Herman, Eugene Hayes, Erin Gardner, Vicky Murphy

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing New York State Master Contract Grant, Drinking Water Fluoridation Project
- Resolution No. 2 - Amendment No. 109 to the Management and Management Confidential Pay Plan
- Resolution No. 3 - Approving Professional Services Agreement for City Court Expansion Project, Bernier, Carr & Associates, P.C.
- Resolution No. 4 - Approving Change Order No. 8 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 5 - Approving Change Order No. 9 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Resolution No. 6 - Approving Franchise Agreement for Installation of Telecommunications Conduit in the City's Right-of-Way, WESTELCOM Network, Inc.
- Resolution No. 7 - Approving the Site Plan for the construction of a 3,466 square-foot building addition and a parking lot expansion at 123 Coleman Avenue, Parcel Number 9-15-110.001
- Resolution No. 8 - Accepting Bid for Hydro Guard Automatic Flushing and Monitoring System, Mueller Company, LLC
- Resolution No. 9 - Authorizing Application for Assistance to Firefighters Grant (AFG)
- Resolution No. 10 - Authorizing Professional Services Agreement for Preliminary Design of the Western Boulevard Reconstruction Project, PIN 783002, Barton and Loguidice
- Resolution No. 11 - Approving Construction Phase Services Supplemental Agreement #2 with Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C.
- Resolution No. 12 - Approving Change Order No. 11 for Watertown Municipal Arena Renovation, General Contractor, Bette & Cring
- Resolution No. 13 - Approving Change Order No. 8 for Watertown Municipal Arena Renovation, Plumbing/Fire Protection, Lawman Heating & Cooling, Inc.
- Ordinance No. 1 - An Ordinance Amending the Ordinance Dated April 19, 2016, Authorizing the Issuance of \$10,700,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design, Reconstruction and Expansion of the City's Fairgrounds Arena, to

Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$10,850,000

- Laid Over Under the Rules - A Local Law adopting Chapter 177 of the Code of the City of Watertown Entitled Rental Properties
- Proposed 2017 Sidewalk Program District #12
- Transportation Alternatives Program (TAP) Grant Funding
- Request for Abate – 148 Bellew Avenue

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 19, 2016, was dispensed and accepted as written by motion of Council Member Stephen A. Jennings, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

### **COMMUNICATIONS**

Petitions were received from Patricia Whalen, 231 Franklin Street, in support of securing funding needed to combat the bedbug problem within the City.

A letter was received from Hedy Cirrincione, P.O. Box 323, Sackets Harbor, requesting partial abatement for water and sewer charges in the amount of \$6,267.43 for a rental property which she owns at 715 Washington Street. Her letter is in response to a correspondence that she received from Water Superintendent Murphy regarding her initial request.

A letter was received from Mark Taylor, Principal of Ohio Elementary School, requesting Council to consider a reduced fee for the use of the Thompson Park Pavilion for their June Ohio Fun Days, which is an event the school has held in Thompson Park for the past three years.

**Above communications were placed on file in the office of the City Clerk.**

A claim was received from National Grid, for damages occurring when a Department of Public Works crew hit a one inch plastic gas service at 135 South Pearl Street on June 27, 2016.

**Above claim has been referred to the Board of Audit.**

### **PROCLAMATION**

Mayor Butler interrupted the regular course of business to proclaim October 2016 as National Breast Cancer Awareness Month in the City of Watertown and urge all citizens to join in activities that will increase awareness of what we can do to prevent breast cancer.

### **PRESENTATIONS**

Mayor Butler interrupted the regular course of business to present the following Service Awards for Employees:

25 Years of Service -		
Stephan Ososkalo	MEO Heavy	DPW
30 Years of Service -		
Dale C. Herman	Fire Chief	Fire Department
Steven M. Gebo	Water Mtr. Svc. Mech.	Water Department

Mayor Butler read the names of the individuals achieving a Service Award but not in attendance this evening:

25 Years of Service -		
Dennis M. Gardner	Fire Captain	Fire Department
Troy A. Chisamore	Fire Captain	Fire Department
Daniel I. Ososkalo	MEO Light	Water Department
30 Years of Service -		
Cheryl D. Burns	Secretary	Fire Department
Shawn R. McWayne	Supervisor	Code Enforcement
Thomas M. Maurer	Civil Engineer I	Engineering Department
Timothy M. McConnell, Sr.	Crew Chief	DPW
Ralph A. Green, Jr	Line Crew Chief	Electric Department
35 Years of Service -		
Charles F. Ball	Water Tr. Plt. Operator	Water Department

### **PRIVILEGE OF THE FLOOR**

**S. G. Gates**, 157 Dorsey Street, addressed the chair stating he is trying to make this community better by bringing a dog park to the City. He said the City is discriminating against dog owners, which is approximately one-third of the City's population. He read from a prepared statement and presented Council with a packet (on file in the City Clerk's Office) outlining his specifics for a potential case against the "blatant and systematic ongoing discrimination by Watertown City Council against the dog owning Citizens of this City." He asked that the City Attorney review this information in a timely manner, noting that he will give the City an opportunity to make this right before moving forward on this case. He mentioned that he has been contacted by a national dog park magazine for a possible story.

**F. C. Benedetto**, 227 Elm Street, congratulated the Mayor and Council and thanked them for giving up their personal time to serve the City of Watertown. He mentioned curbs were installed on the first block of Elm Street and it took approximately two weeks to complete. He asked why the curbs were not continued onto the second block of Elm Street, stating it would have been more cost effective to do when the crew and equipment were on the street instead of doing it at a later time.

**Lance Evans**, 163 Flower Avenue East, stated he is here on behalf of the Jefferson-Lewis Board of Realtors, who believes the rental registration is a good idea because it is important for the City to know where the landlords are when there is a problem. He indicated the group had some problems with the original proposal of inspections and that it might be considered discrimination if it is only required of a certain group of landlords based on where they live. He discussed issues that might arise from this and expressed concerns on how the inspections will be done. He urged Council to amend the law to limit it to registration only at this point.

**Nancy Henry**, 19769 County Route 65, addressed Council stating she wants to invest in the City of Watertown by proposing a brewery on the Van Duzee Street property. She asked Council to consider the proposal that was already submitted. In addition, she said she would be willing to use part of that parcel for a dog park.

**Hedy Cirrincione**, Sackets Harbor, stated she has been a City property owner and taxpayer since 1980 and is requesting a partial abatement of a water and sewer bill for one quarter. She indicated that she has submitted correspondence to the Water Department as well as to Council. She offered an explanation, stating there was an extensive leak secondary to a frozen split pipe which went unnoticed even though the building was heated and occupied. She said the tenant told the Water Department that the owner was aware of the leak but that was not true. She asked that the sewer portion be abated because the leak spilled into her basement causing extensive damage and did not drain into the sewer system. Noting the Water Department determined the meter was damaged, she wondered if the reading was accurate.

**Jeffrey Smith**, 140 Keyes Ave, discussed the rental registration, stating it was addressed 16 years ago when he was a Council Member. He said that it sounds like a good idea in order to clean up neighborhoods but it is very intrusive. He noted this is a County-wide problem and not just a City-wide problem and offered a solution of having the Department of Social Services inspect the properties in which they give money to. He stressed there is a direct relationship between housing troubles and those receiving social services that are renting from those houses.

**Howard Sprague**, 1409 Ives Street, stated that some of the problems were brought on by the City discontinuing the practice of inspections by the firefighters and the pickup of large items such as scrap metal or furniture from the homeowners. He also pointed out houses in his neighborhood that had long grass but they were not apartments so he thinks the problem goes further than just rentals.

**Adam Brown**, 614 Gotham Street, discussed his concerns with the rental registration program. He asked how the City will track single family homes that might be rented, noting that policing this may be difficult. In addition, he noted Oswego has fiscal concerns with their rental program and has had to increase fees to \$150 per unit per year. Lastly, he questioned whether an absentee landlord will respond even if the City has an accurate address for them and said Code Enforcement will still need to take the same legal action. He stressed the City needs to enforce what is in place now and suggested Code Enforcement might need more help to do this.

## **RESOLUTIONS**

### **Resolution No. 1 - Authorizing New York State Master Contract Grant, Drinking Water Fluoridation Project**

#### **Introduced by Council Member Stephen A. Jennings**

WHEREAS City Council deems fluoridated drinking water to be of the utmost importance to the citizens and water customers it serves, and

WHEREAS the NYS Department of Health has made a State of New York Master Contract Grant available to the City of Watertown, and

WHEREAS the purpose of this Contract is to provide funding to upgrade the City of Watertown's current manual fluoride feeding system, and

WHEREAS the entire amount available will fully fund the project with no required match,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes entering into the State of New York Master Contract Grant, a copy of which is attached and made part of this Resolution, for the amount of \$15,968.60 to fund the upgrade of the current manual fluoride feeding system, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to sign the Contract on behalf of the City of Watertown.

**Seconded by Council Member Mark C. Walczyk**

Prior to the vote on the foregoing resolution, Mayor Butler said this will be paid for by a grant and asked if the amount of fluoride added to the City's water system has been decreased.

Vicky Murphy, Water Superintendent, explained the Department of Health reduced the target to 0.7 milligrams per liter and this equipment will allow for the plant to consistently meet the lower optimal dose.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 2 - Amendment No. 109 to the Management and Management Confidential Pay Plan**

**Introduced by Council Member Stephen A. Jennings**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, hereby approves Amendment No. 109 to the Management and Management Confidential Pay Plan, for the position listed below, as follows:

<u>Position</u>	<u>Salary</u>
Temporary Administrative Specialist	\$15.00/hour

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 3 - Approving Professional Services Agreement for City Court Expansion Project, Bernier, Carr & Associates, P.C.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS New York State Governor Andrew M. Cuomo has signed legislation increasing the number of Watertown full-time City Court Judges to two effective April 1, 2014, and

WHEREAS the City is required to provide a Civil Courtroom in addition to the current City Court at the City's expense, and

WHEREAS the previously approved Professional Services Agreement with MRB Group has been terminated, and

WHEREAS a Professional Services Agreement for the architectural and engineering design services has been developed,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Services Agreement with Bernier, Carr & Associates, P.C., a copy of which is attached and made part of this resolution, for the architectural and engineering design services for the Civil Courtroom and support spaces, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Watertown.

**Seconded by Council Member Cody J. Horbacz**

Prior to the vote on the foregoing resolution, Justin Wood, City Engineer, updated Council with the status of the court project, stating some of the restraints and requirements have changed, so a blank slate approach in which efficiencies can be gained by laying it out differently might be a better option. He indicated MRB Group was terminated because the project needed to get a change in direction and the agreement in front of Council is for Bernier, Carr and Associates to do schematic designs on three options: a clean slate approach for renovating the first floor of City Hall, a new build option and the renovation of an existing building, which is possibly the American Legion. He pointed out a new build option may be more attractive than renovating an existing building which will include updating mechanical systems and dealing with ceiling height issues.

Mayor Butler noted the new build option and the renovation of the first floor is a fixed cost of \$15,000 and the third option of renovating an existing building such as the American Legion is an additional \$8,500. He said he talked to representatives from the American Legion and they are open to negotiation but it would need to be approved by their membership.

Council Member Horbacz said the City should explore all options.

Council Member Macaluso stated she does not have a problem exploring all options but the City needs to pick a building and move forward.

Council Member Walczyk asked if the court system has an opinion on any of the options, noting that from his conversations with them it seems like they are more open to an outside situation. He mentioned that displacement of courts causes a problem and outside construction would allow things to run smoothly for the court system while construction is being done elsewhere. He agreed with the Mayor that this should not be delayed any further and he would like to see the City put in a purchase offer for the American Legion.

Mayor Butler said he does not want to spend \$8,500 looking at the American Legion and asked if Bernier, Carr and Associates could do a quick walk through of that building and determine if it is not feasible.

Rick Tague, Bernier, Carr and Associates, stated they could work with Mr. Wood to do a walkthrough but in order to determine if the building is suitable, they would need to prepare some drawings. He said he would look to see if there are existing plans of the building and the condition of the building would need to be evaluated, mentioning the roof, windows and mechanical systems. He explained this requires time and work to give an educated opinion of whether this building is a suitable option. He explained that looking at this building will take longer than designing a new build with a clean slate and estimated it would take into November.

Mayor Butler stated he does not want to buy a building without doing an accurate analysis of it. He stressed good communication will be important after the first walkthrough.

Council concurred to proceed with this.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 4 - Approving Change Order No. 8 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction work, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, and

WHEREAS City Council approved Change Order No. 2 in the additional amount of \$6,491.50 and Change Order No. 3 in the additional amount of \$9,075.69 on February 18, 2014, and

WHEREAS City Council approved Change Order No. 4 in the amount of \$1,961.80 on April 7, 2014, and

WHEREAS City Council approved Change Orders Nos. 5 and 6 on June 2, 2014 and July 7, 2014, bringing the total contract amount to \$4,030,855.60, and

WHEREAS City Council approved Change Order No. 7 on October 6, 2014 for a 35 day extension of time to the contract, and

WHEREAS C. O. Falter Construction Inc. has now submitted Change Order No. 8 in the decreased amount of \$31,071.18 to reimburse the City's cost to extend our contract with GHD to keep them on site through the end of the project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 8 to the contract with C.O. Falter Construction Inc., a copy of which is attached and made part of this resolution, in the decreased amount of \$31,071.18 for the general construction work for the Waste Water Disinfection Improvement Project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Mr. Wood explained in detail the credits that are included in Change Order No. 8 and that Change Order No. 9 is for increased repairs that were necessary to some of the concrete walls. He stated this will close out this project.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 5 - Approving Change Order No. 9 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction work, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, and

WHEREAS City Council approved Change Order No. 2 in the additional amount of \$6,491.50 and Change Order No. 3 in the additional amount of \$9,075.69 on February 18, 2014, and

WHEREAS City Council approved Change Order No. 4 in the amount of \$1,961.80 on April 7, 2014, and

WHEREAS City Council approved Change Orders Nos. 5 and 6 on June 2, 2014 and July 7, 2014, bringing the total contract amount to \$4,030,855.60, and

WHEREAS City Council approved Change Order No. 7 on October 6, 2014 for a 35 day extension of time to the contract, and

WHEREAS C. O. Falter Construction Inc. has now submitted Change Order No. 8 in the decreased amount of \$31,071.18 to reimburse the City's cost to extend our contract with GHD to keep them on site through the end of the project, and

WHEREAS C. O. Falter Construction Inc. has also submitted Change Order No. 9 in the amount of \$38,769.34 for additional concrete repair of the walls on the Digester Building,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 9 to the contract with C.O. Falter Construction Inc., a copy of which is attached and made part of this resolution, in the amount of \$38,769.34 for the general construction work for the Waste Water Disinfection Improvement Project, bringing the total contract amount to \$4,038,553.76, and



BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 6 - Approving Franchise Agreement for Installation of Telecommunications Conduit in the City's Right-of-Way, WESTELCOM Network, Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City is a municipal corporate organized under the laws of the State of New York and, as such, owns property in the City's street margins which can be utilized by the City and its franchisees for the location of utilities and other services having a public benefit, and

WHEREAS the City desires to advance the public purpose of promoting, developing or expanding business within the City by permitting the location of private telecommunications conduit within the City's street margins by means of a non-exclusive franchise, and

WHEREAS WESTELCOM Network, Inc. has expressed a desire to enter into a Franchise Agreement with the City allowing them, by permit only, to install, repair and maintain Franchisee's conduit in the City's right-of-way,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement for Installation of Telecommunications Conduit in the City's right-of-way with WESTELCOM Network, Inc., a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Mayor Butler mentioned that Senator Gillibrand was at WESTELCOM today promoting her proposed legislation to expand broadband to the rural communities. He said WESTELCOM has been a good partner to the City and thanked them for their good work.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 7 - Approving the Site Plan for the construction of a 3,466 square-foot building addition and a parking lot expansion at 123 Coleman Avenue, Parcel Number 9-15-110.001**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS Edward G. Olley Jr., AIA of GYMO, DPC, on behalf of Michael Colello of Rainbow Restoration, has submitted an application for Site Plan Approval for the construction of 3,466 square-foot building addition and 1,064 square feet of new asphalt located at 123 Coleman Avenue, Parcel Number 9-15-110.001, and

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on September 27, 2016, pursuant to General Municipal Law Section 239-m, and adopted a motion that the project does not have any significant County-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on September 6, 2016, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant must provide 16 parking spaces on the site, as required by the Zoning Ordinance, or obtain a variance from the ZBA to vary the parking requirement for this site.
2. The applicant shall plant trees along the edge of the proposed parking expansion and along the Coleman Ave right-of-way in accordance with the Landscaping and Buffer Zone Guidelines.
3. The applicant must ensure that the grading does not direct drainage onto any adjacent parcels.
4. The applicant shall add the existing water main underneath Coleman Ave to the site plan, as well as depict all water and sewer laterals to the building.
5. The applicant shall submit a revised Site Plan Application form that correctly identifies the property owner's address.
6. The applicant must provide an original PE stamped Engineering Report that includes a drainage analysis.
7. The applicant must explain and depict on the plan how grading will take place around the proposed concrete pad adjacent to the south edge of the proposed building.
8. The applicant must obtain the following permits, minimally, prior to any construction: Building Permit.
9. The property owner shall maintain the vegetated buffer at the east end of the site ad infinitum, in accordance with the Zoning Ordinance, which requires said buffer where the site abuts a residential zoning district.
10. The applicant shall submit a revised site plan to the City Engineering Department that depicts all the revisions required in the applicable summary items above.

And,

WHEREAS the City Council has determined that the project, as submitted, is a Type II Action requiring no review under the State Environmental Quality Review Act (SEQRA),

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute a Type II Action for the purposes of SEQRA, and

BE IT FURTHER RESOLVED that it is an express condition of this Site Plan Approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan, which, in the opinion of the City Engineer, would require Amended Site Plan Approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that Site Plan Approval is hereby granted to Edward G. Olley Jr., AIA of GYMO, DPC and Michael Colello of Rainbow Restoration for the construction of 3,466 square-foot building addition and 1,064 square feet of new asphalt located at 123 Coleman Avenue, Parcel Number 9-15-110.001, as depicted on the revised site plan submitted to the City Engineer on August 30, 2016, contingent upon the applicant meeting the conditions listed above.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 8 - Accepting Bid for Hydro Guard Automatic Flushing and Monitoring System, Mueller Company, LLC**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Purchasing Department has advertised and received a sealed bid for the purchase of one new and unused Hydro Guard Automatic Flushing and Monitoring System for use by the Water Department, and

WHEREAS bid invitations were sent to three (3) prospective bidders, with one (1) sealed bid submitted to the Purchasing Department, and

WHEREAS on Friday, September 23, 2016, at 11:00 a.m., the bid received was publicly opened and read, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bid received with Water Superintendent Vicky Murphy and SCADA Technician Max French, and it is their recommendation that the City Council accept the bid submitted by Mueller Company, LLC,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Mueller Company, LLC, in the amount of \$25,591.30 for the purchase of one new and unused Hydro Guard Automatic Flushing and Monitoring System for use by the Water Department, as the lowest qualified bidder meeting our specifications, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to sign all contracts associated with implementing the award to Mueller Company, LLC.

**Seconded by Council Member Stephen A. Jennings**

Prior to the vote on the foregoing resolution, Mayor Butler questioned how this was to be paid for because it was in the 2015-16 adopted budget but it did not occur.

Ms. Murphy explained an appropriation of \$30,000 in the 2016-17 budget for a pickup truck which was not purchased will be used for this because the books have not been closed yet.

In regard to the budgeted money for FY 2015-16, James Mills, City Comptroller, explained this was an expense that did not occur so it goes back into the fund balance.

Mayor Butler said he has an issue with passing a budget and charging people a water rate based on an expense item which was not purchased. He stated he feels this should be given back in some form.

Mr. Mills advised that once he sees how FY 2015-16 finishes, a modified budget can be presented to Council which could still allow for the purchase of the pickup truck, but for now, in order to move the purchase of the automatic flushing hydrant forward, the appropriation for the pickup truck was traded internally for this.

Ms. Addison explained that after the analysis of FY 2015-16 is done, the funds may still be available to purchase the pickup truck but the hydrant was a priority.

Mayor Butler argued that when a budget is passed he expects the items within the budget to be purchased.

Council Member Jennings noted that sometimes items come up unexpectedly and staff is trying to support it with existing resources.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 9 - Authorizing Application for Assistance to Firefighters Grant (AFG)**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA's Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for acquiring additional equipment, including gear washer/extractor and dryer for each of our three fire stations, and

WHEREAS the application, in the amount of \$55,752, with the City match being \$5,575, would provide funding for much needed equipment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA's Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mayor Butler explained this is to purchase a washer and dryer that will be used to wash the turnout gear.

Dale Herman, Fire Chief, explained the need for special equipment for washing and drying turnout gear without causing damage, as well as the recommendations for cleaning the gear for continued protection of firefighters.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yeas except Council Member Mark C. Walczyk voting nay.**

**Resolution No. 10 - Authorizing Professional Services Agreement for Preliminary Design of the Western Boulevard Reconstruction Project, PIN 783002, Barton and Loguidice**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS a project for the reconstruction of Western Boulevard (Arsenal St. to Gaffney Drive), PIN 783002, D035315 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost of such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering Phase and Final Engineering Phase in the amount of \$698,500,

WHEREAS on August 15, 2016, the City Council adopted a resolution authorizing the Master Federal Aid Local Agreement which provides \$350,000 for the costs of Preliminary Engineering, and

WHEREAS in support of this project, the City Engineering Department has negotiated a contract with Barton and Loguidice for the preliminary and final design of the Western Boulevard Reconstruction project at a cost of \$348,500 and \$350,000 respectively, the latter of which will not proceed until funding is obligated from NYSDOT, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and Barton and Loguidice, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mayor Butler explained this is for the final design of the Western Boulevard project, stating this is a significant project for the City of Watertown and it will be paid for by the State.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 11 - Approving Construction Phase Services Supplemental Agreement #2 with Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C.**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on April 20, 2015, City Council approved the Construction Phase Services Agreement with Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C. (BCA), to provide contract administration and construction inspection of the Municipal Arena Renovation Project in the amount of \$150,000, and

WHEREAS on December 21, 2015, City Council approved Supplemental Agreement #1 with BCA in the amount of \$23,750 to extend the construction services full time to January 2016, and part time into March 2016, and

WHEREAS the City of Watertown required the services of BCA full-time through March 2016,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Construction Phase Services Supplemental Agreement #2 with Bernier, Carr & Associates, Engineers, Architects and Land Surveyors, P.C. in the amount not to exceed an additional \$23,737, a copy of which is attached hereto and made part of this resolution, bringing the total contract amount to \$197,487.00, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this agreement on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mr. Wood explained the completion date was extended into the end of March which was beyond the original January extension so Bernier, Carr and Associates' oversight was needed. He stated this supplemental agreement covers this additional time and noted there were unforeseen conditions which extended the duration of construction, so therefore the City is obligated to pay this to keep the inspection services in place. He clarified that they were overseeing the construction and ensuring that what was built conformed to the plans.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 12 - Approving Change Order No. 11 for Watertown Municipal Arena Renovation, General Contractor, Bette & Cring**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS on March 30, 2015, City Council of the City of Watertown approved the bid submitted by Bette & Cring in the amount of \$6,268,000 as the General Contractor for the Watertown Municipal Arena Renovation, and

WHEREAS on June 15, 2015, City Council approved Change Order No. 1 in the decreased amount of \$31,260 for changing to a hydraulic elevator, and

WHEREAS also on June 15, 2015, City Council approved Change Order No. 2 in the increased amount of \$20,543 for storm and sanitary separation, as well as removal of high hat channel, and

WHEREAS on July 20, 2015, City Council approved Change Order No. 3 in the amount of \$20,790.42 to cover the cost of steel support beams on the second floor and removing structural steel in the northeast corner of the building addition, and

WHEREAS on September 21, 2015, City Council approved Change Order No. 4 in the amount of \$21,236.92 to cover the cost of removal of lead paint, modify existing concrete footer, relocate a column, install storm sewer pipe, relocate existing roof drains and a credit for fiber mesh, and

WHEREAS on November 16, 2015, City Council approved Change Order No. 5 in the amount of \$34,346.03 to cover the cost of changing the toilet partitions, shoring of roof plank in the Pool House, provide painted galvaneal metal wall panel, provide angle supports of West Gable end wall, modify structural steel to northeast addition, install structural header for an overhead door to the mechanical room, provide heavier duty hinges on doors, credit to reduce footer depth at west addition, and credit to delete benches and angle iron along the 18" ledge on the second floor, and

WHEREAS on December 21, 2015, City Council approved Change Order No. 6 in the amount of \$48,816.05 to cover the cost of replacing main entrance doors in the pool area, additional support to counteract movement of the second floor balcony in the West Addition, replace deteriorated sidewalks adjacent to the entrance of the Pool House, provide thickset for tile floors in the Bathhouse, change stairs from cast-in-place concrete to steel, provide door and hardware off the door schedule from the elevator pit to the sprinkler room, increase the locker room bench size, provide weatherproof access panel on the West Addition roof and a credit to delete the steel condenser platform, and

WHEREAS on December 21, 2015, City Council approved Change Order No. 7 in the amount of \$28,038.05 to provide additional asphalt paving at the east entrance to the arena and to cover the floor finish revisions requested, and

WHEREAS on January 19, 2016, City Council approved Change Order No. 8 for a no cost time extension for building occupancy to March 7, 2016, and

WHEREAS on February 16, 2016, City Council approved Change Order No. 9 in the amount of \$49,698.90 for a credit to change metal stud type, to box out and sheet rock over steel trusses, to add kickers to the parapet wall on the West Addition, to add remobilization cost to complete concrete plank

topping, to grind down existing concrete floor in the Vendor Room, to install pier caps at the West Addition entrance columns, to provide additional column to support the upper level mezzanine, and to replace broken and mold stained tile on the walls of the Pool House Locker Room Showers, and

WHEREAS on April 19, 2016, City Council approved Change Order No. 10 in the amount of \$58,728.02 for enclosing beams and installing soffits, repair an existing steel column discovered to have severe corrosion and several other items as documented in their change order, and

WHEREAS Bette & Cring has now submitted Change Order No. 11 in the amount of \$88,077.44 for installing a snow guard system on the roof and refinishing walls in the pool house,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 11, a copy of which is attached and made part of this Resolution, to the contract with Bette & Cring in the amount of \$88,077.44 as described above bringing the total contract amount to \$6,607,014.83 for the Watertown Municipal Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to sign the Change Order on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mayor Butler explained the change orders are due mostly to work needed on the roof and damage to a gas line from sliding snow. He said he is not happy about this because these are things that should have been done but were missed, and he stated he considers this a design flaw.

Mr. Wood explained the damage to equipment occurred in February and it became evident that the design was not capable of withstanding the sliding snow. He discussed the options that were looked at in detail, noting the installation of snow guards on the roof would be best in resolving the issues and was the most cost effective.

Council Member Walczyk asked if this is considered a design flaw.

Mr. Wood replied that he considers this an omission.

Council Member Macaluso commented she is very upset about this, noting it is known that this part of the country receives a lot of snow, so the roof vents should have been protected.

Mr. Wood remarked that the vent stacks were not sturdy enough for a sloped roof like this with sliding snow and some of the equipment was not put far enough away from the effects of the sliding snow.

Noting he was not on Council when this project was approved, Council Member Horbacz said the previous Council would have trusted Stantec so that there would not be these issues. He questioned why the City is paying for damage caused by their design flaw.



Mayor Butler agreed, noting that if the design had been correct in the beginning then the gas pipe would not have been damaged. He suggested approaching Stantec and give them the opportunity to admit to this mistake and fix it while offsetting the cost to the City.

Council Member Walczyk asked what would put the City in a better position legally.

Attorney Slye pointed out that he is bothered that the Arena's roof leaking was discussed for three years but now holes are going to be drilled into a perfectly good roof. He said the question to ask is whether there should have been better vent pipes installed without needing reinforcement and whether equipment should not have been put on a flat roof with the potential of being crushed by falling snow. He stressed this is the design change that Council should be concerned with because he does not know if the roofing manufacturer will warranty a roof that now has holes drilled into it. He advised this qualifies as a topic for executive session.

**Motion was made by Council Member Cody J. Horbach to table the foregoing resolution. Motion was seconded by Council Member Mark C. Walczyk and carried with all voting in favor thereof.**

**Resolution No. 13 - Approving Change Order No. 8 for Watertown Municipal Arena Renovation, Plumbing/Fire Protection, Lawman Heating & Cooling, Inc.**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS on March 30, 2015, City Council of the City of Watertown approved the bid submitted by Lawman Heating & Cooling, Inc. in the amount of \$668,000 for Plumbing/Fire Protection for the Watertown Municipal Arena Renovation, and

WHEREAS on June 15, 2015, City Council approved Change Order No. 1 in the amount of \$64,810.75 for work on the sprinkler system, surface mounted drinking fountains, PVC plumbing, eliminating sensor activated flush valves, and eliminating sensor activated lavatory faucets, and

WHEREAS on September 21, 2015, City Council approved Change Order No. 2 in the amount of \$9,388.48 to install utilities for the elevator sump pit, and

WHEREAS on November 16, 2015, City Council approved Change Order No. 3 in the amount of \$6,723.15 to enclose an area of the main walkway on the second floor, and

WHEREAS on December 21, 2015, City Council approved Change Order No. 4 in the amount of \$4,219.88 to relocated the roof drains in the bathhouse, and

WHEREAS on January 19, 2016, City Council approved Change Order No. 5 for a no cost time extension for building occupancy to March 7, 2016, and

WHEREAS on February 16, 2016, City Council approved Change Order No. 6 in the amount of \$3,553.13 for replacement of an existing circulation pump and to re-pipe tempered water lines to the shower fixture, and

WHEREAS on April 19, 2016, City Council approved Change Order No. 7 in the amount of \$13,404.27 for repair of frozen waterlines, installation of a 1" waterline to provide hot reverse osmosis water to the zamboni room, installation of domestic hot and cold water drops in the zamboni room, addition of a domestic water line for the coffee maker in the concession area, and to reconnect the gas piping after National Grid upgraded the gas meter/valving, and

WHEREAS Lawman Heating and Cooling, Inc. has now submitted Change Order No. 8 for in the amount of \$23,697.38 for relocating gas piping on the bathhouse,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 8, a copy of which is attached and made part of this Resolution, to the contract with Lawman Heating & Cooling, Inc. in the amount of \$23,697.38 as described above bringing the total contract amount to \$793,797.04 for the Watertown Municipal Arena Renovation Project, and

BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance Amendment to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to sign the Change Order on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings**

**Motion was made by Council Member Cody J. Horbach to table the foregoing resolution. Motion was seconded by Council Member Mark C. Walczyk and carried with all voting in favor thereof.**

## **ORDINANCES**

**Ordinance No. 1 - An Ordinance Amending the Ordinance Dated April 19, 2016, Authorizing the Issuance of \$10,700,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design, Reconstruction and Expansion of the City's Fairgrounds Arena, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$10,850,000**

WHEREAS, by ordinance dated April 19, 2016, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$10,700,000 bonds of said City to pay the costs of the \$10,700,000 estimated maximum cost of the reconstruction and expansion of the City's Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including design costs and incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York;

WHEREAS, said April 19, 2016 ordinance amended an original bond ordinance dated March 17, 2014, which had also been amended March 30, 2015, June 15, 2015, September 21, 2015 and February 16, 2016;

WHEREAS, \$10,000,000 principal amount of such obligations have been issued under such ordinance as amended as of April 19, 2016; and

WHEREAS, the Council now wishes to increase the estimated maximum cost and the amount of bonds authorized for the design, reconstruction and expansion of the City's Fairgrounds Arena from \$10,700,000 to \$10,850,000, in both instances an increase of \$150,000 over that previously authorized;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council previously amended by the ordinance dated and duly adopted April 19, 2016 authorizing the issuance of \$10,700,000 bonds to pay the estimated maximum cost of the reconstruction and expansion of the City's Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including design costs and incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, are hereby amended, in part, to read as follows:

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,850,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE DESIGN, RECONSTRUCTION AND EXPANSION OF THE CITY'S FAIRGROUNDS ARENA, IN AND FOR SAID CITY. ". . . .

"Section 1. For the specific object or purpose of paying costs of the design, reconstruction and expansion of the City's Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$10,850,000 bonds of said City pursuant to the provisions of the Local Finance Law.

"Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$10,850,000 and that the plan for the financing thereof is by the issuance of the \$10,850,000 bonds of said City authorized to be issued pursuant to this bond ordinance. The amount of bonds to be issued will be reduced by the amount of any appropriations of current funds to pay part of the cost of the aforesaid specific object or purpose.

- Section B. The validity of such bonds and bond anticipation notes may be contested only if:
- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
  - (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
  - (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

**No introduction**

## **OLD BUSINESS**

**A Local Law adopting Chapter 177 of the Code of the City of Watertown Entitled Rental Properties.** *(Introduced on 8/15/2016; laid over under the rules; appears in its entirety in the 2016 Minutes Book on page 15-16 of the 8/15/2016 minutes).*

Council Member Macaluso indicated she would not support only inspecting properties of owners that do not live in the area so the amended proposal in front of Council tonight includes registration for all properties, assigned property managers for landlords that do not live in the area and a voluntary inspection program.

Council Member Horbacz said it is important to have a registry in order to get a handle on the rental stock within the City and he is opposed to mandatory interior inspections due to the concerns with the invasive nature of that.

Mayor Butler clarified there is a revised version of the proposed Chapter 177 in front of Council tonight. He stated it modifies what has been discussed and summarized it is a registration program that includes only voluntary inspections as well as mandates landlords living outside the area to appoint a rental agent so there is a local contact. He commented this is a middle ground and feels the registration portion is necessary as well as supported.

Council Member Jennings indicated that he is happy to have come to a compromise.

Council Member Walczyk asked how much this program will cost and how it will be paid for, noting he cannot support something without knowing the cost.

Council Member Jennings replied this will cost less than his original proposal, and software will be needed to assist with the registration but a grant is being pursued. He pointed out that implementation will be after another budget season to flush out additional costs and noted this is an investment for the community.

Mayor Butler pointed out this is going to cost staff's time comparing it to other initiatives placed on staff, such as looking at a dog park.

Further discussion occurred regarding the cost and how other communities have handled this, and it was noted that this proposal does not set a fee but it is open to further discussion as the program is implemented.

Council Member Walczyk questioned the legislative intent, questioning whether this will be an effective solution to the problem.

Council Member Horbacz suggested firefighters should start doing exterior inspections like what was done in the past. He also pointed out the voluntary inspection can be used to the benefit of the landlord and the property can be advertised as inspected and approved by the Code Enforcement Office.

**Motion was made by Council Member Cody J. Horbacz to amend proposed Chapter 177 to eliminate all references to mandatory inspections and replace it voluntary inspections. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof except for Council Member Mark C. Walczyk voting nay.**

**The proposed amendment to Chapter 177 is as follows:**

**CHAPTER 177**

**ARTICLE I**

**~~CERTIFICATE OF INSPECTION AND MAINTENANCE COMPLIANCE OF RESIDENTIAL RENTAL PROPERTIES~~**

**RESIDENTIAL RENTAL PROPERTIES – REGISTRATION AND INSPECTION**

- Section 177-1 Legislative Intent.  
177-2 Definitions.  
177-3 Exceptions.  
177-4 Applicability; more restrictive provisions to prevail.  
177-5 Rental occupancy registration required.  
177-6 Application for rental ~~occupancy~~ registration.  
177-7 Responsibilities and protection of tenants.

**ARTICLE II**

- Section 177-8 Registration Application Fees.  
177-9 Review of application.  
177-10 Term of ~~Certificate of~~ Registration.  
177-11 Record of registrations.  
177-12 Presumptions applicable to rental registration enforcement and prosecutions.  
~~177-13 Registration effective date and deadline~~

**ARTICLE III**

- Section ~~177-13 Registration effective date and deadline.~~  
177-14 ~~Procedures to Obtain Voluntary~~ Certificate of Inspection and Maintenance Compliance.  
177-15 Inspection Procedures.

**ARTICLE IV**

- Section 177-16 Penalties for offenses.

**ARTICLE V**

- Section 177-17 Severability.

**ARTICLE I**

**CERTIFICATE OF INSPECTION AND MAINTENANCE COMPLIANCE**

§ 177-1. Legislative intent.

- A. Residential properties are significant assets and represent a critical investment in the City of Watertown because of their impact on community character, property values and overall quality of life. To maintain the quality of City neighborhoods and facilitate effective code enforcement, the City must be able to efficiently communicate with property owners regarding maintenance and property conditions.
- B. In instances when residential properties are rented to others, rather than owner-occupied, the City Council has determined that accurate and current contact information is needed to facilitate timely communication with property owners regarding potential issues related to property conditions and/or violations of the City Code and/or the laws of the State of New York. The City Council has also determined that an inability to make timely contact with the owners of such residential rental properties may result in extended physical deterioration of housing stock and/or substandard living conditions for City residents. The City Council finds that establishing registration and **voluntary** inspection requirements for rental properties, is in the best interest of public health, safety, and welfare and that the good order and governance of the City will be promoted and enhanced by the enactment of registration and

inspection requirements for such rental properties and their owners through the adoption of the provisions set forth in this chapter.

§ 177-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CODE ENFORCEMENT OFFICIAL**

The Code Enforcement Official shall be the City's Code Enforcement Supervisor as described at Article II of Chapter 120 of the Code of the City of Watertown as the same may, from time to time, be amended. Such Official shall have additional duties of registration and inspection, and issuance of Certificates of Inspection and Maintenance Compliance pursuant to this Chapter, and is hereby authorized and directed to enforce the provisions of this Chapter.

The Code Enforcement Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Chapter, but shall not have the effect of waiving requirements specifically provided for in this Chapter.

**DEPARTMENT**

Bureau of Code Enforcement.

**DWELLING UNIT**

A structure or building, or any part thereof, equipped with bathing room(s), and areas or rooms for cooking, dining, living and sleeping, occupied or to be occupied by one or more persons as a home or residence.

**OWNER**

The person, persons, or entity that has fee simple title or comparable rights to a dwelling unit or of a property including one or more dwelling units.

**RENT**

A return, in money, property or other valuable consideration (including payment in kind or services or other thing of value), for use and occupancy or the right to the use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL DWELLING UNIT**

A dwelling unit established, occupied, used or maintained for rental occupancy in a one, two, or multi-family home, equipped with bathing room(s), and areas or rooms for cooking, dining, living and sleeping, occupied or to be occupied by one or more persons as a home or residence.

**RENTAL OCCUPANCY**

The occupancy or use of a dwelling unit by one or more persons other than the owner as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There is a rebuttable presumption that any occupancy or use of a dwelling unit is to be deemed a rental occupancy if the owner of the structure or building containing the dwelling unit does not reside in the same structure or building.

**RENTAL PROPERTY**

A property upon which is located a building or buildings or structure or structures which include one or more rental dwelling units.

§ 177-3. Exceptions.

- A. Rental Registration and Inspection Exceptions. The rental registration and inspection requirements of this chapter shall not apply to owner-occupied one-family dwellings, hotels and motels, nursing homes, hospitals, adult homes, assisted living facilities, hospice residences, and other licensed residential health care facilities. Otherwise, all other dwelling units rented that are equipped with bathing room(s), and areas or rooms for cooking, dining, living and sleeping, occupied or to be occupied by one or more persons as a home or residence must be registered with the City.

- B. **Voluntary** Inspection Exceptions. The **voluntary** inspection **aspects** of this chapter shall not apply to owner-occupied dwellings; multi-family dwellings owned by a duly established public housing authority or leased directly to the U.S. Government; any federal, state, or locality-owned or managed buildings, Section Eight, and other subsidized housing subject to other inspection requirements; and any newly built and renovated housing receiving a Certificate of Occupancy within the preceding five years that has been approved for occupancy by the Code Enforcement Official.

§ 177-4. Applicability; more restrictive provisions to prevail.

- A. Scope. This chapter shall apply to all rental dwelling units located within the City, with the exception of those delineated in § 177-3B.
- B. Applicability. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes, rules and regulations, and nothing in this chapter shall be deemed to abolish, modify, limit, impair, supersede or replace any existing requirements of, or remedies under, any other applicable federal, state or local statute, laws, ordinances, codes, rules or regulations. In case of conflict between any provision of this chapter and any applicable federal, state or local statute, law, ordinance, code, rule or regulation, the more restrictive or stringent provision or requirement shall prevail. The acceptance of any registration, the filing of any application under this chapter or other compliance with the requirements of this chapter shall not cause, or be deemed to cause, any circumstance, condition, status, action, or statement of facts that is otherwise illegal, unlawful or noncompliant under any federal, state or local statute, law, ordinance, code, rule or regulation, including, but not limited to, the City Code, to become or be deemed to be lawful, legal or in compliance.

§ 177-5. Rental occupancy registration required.

It shall be unlawful and a violation of this chapter for any owner of any rental property or rental dwelling unit in the City to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without first obtaining and thereafter maintaining in full force and effect a Certificate of **Inspection and Maintenance Compliance Registration** from the City, as herein provided.

§ 177-6. Application for rental ~~occupancy~~ registration.

- A. Application for a Certificate of **Inspection and Maintenance Compliance Registration** of a rental ~~occupancy and/or for a rental~~ dwelling unit shall be made in writing on a required form provided by and to be filed with the Department for that purpose. A separate application shall be made for each building or structure containing one or more rental dwelling units. In the event that any rental dwelling unit or rental property is owned by more than one person, the application shall be executed by each such owner. In those instances in which it is owned by a business entity, the application shall be executed by the chief executive officer of such entity (e.g., president, general partner, managing member). Such application shall contain the following information:
- (1) The name, address (both street address and any post office address), telephone and facsimile numbers, and e-mail address, if any, of each owner.
  - (2) The street address of the rental property, including the apartment or unit number of the rental dwelling unit(s), if any.
  - (3) If the rental dwelling unit is occupied as of the date the application is filed with the Department.
  - (4) A description of the building or structure, including the number of rental dwelling units in the building or structure.
- B. Designation of a Managing Agent. If the owner of the rental dwelling unit does not live within and/or maintain an office or a place of business within Jefferson County, a managing agent must be designated. The name, address (street address and any post office address), telephone and facsimile numbers and e-mail address of the local managing agent or agents or operator of each such intended rental property shall be provided. The agent shall be a person eighteen (18) years of age or older, who resides within the County of Jefferson, New York, or conducts a business, the main office or branch of which is located in the County of Jefferson. The agent shall be designated by such owner as in control of and responsible for the maintenance and operation of such dwelling and who shall be designated as the person upon whom process and other notice may be served on behalf of the owner.
- C. Conditions to be met; acknowledgement.

- (1) Such application shall include an acknowledgement by the owner affirming that rental dwelling unit(s) meet the following conditions:
  - (a) Rental properties and all rental dwelling units thereon shall comply with all applicable federal, state or local statutes, laws, ordinances, codes, rules or regulations, including the applicable provisions of the New York State - adopted rules of the International Code Council (ICC), as the same may, from time to time be amended.
  - (b) Operational smoke and carbon monoxide detectors as required by the ICC.
  - (c) Exterior walls, including foundations, shall be maintained. All exterior walls and foundations must be free of holes and crevices.
  - (d) Exterior doors, windows, skylights and similar openings shall be maintained secured and weathertight.
  - (e) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
  - (f) Roofs shall be maintained in a weathertight condition, secured by normal means.
  - (g) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
  - (h) Exterior surfaces shall be maintained in good condition.
  - (i) Interior living spaces, including kitchen(s), bathroom(s) and bedroom(s), are in compliance with the ICC.
  - (j) Operable heating system.
- (2) The acknowledgement will also affirm that the owner has received and read the following portions of the City Code and understands the obligation and responsibility to comply with all applicable state and local laws, including but not limited to:
  - (a) Chapter **98**, Brush, Grass and Weeds.
  - (b) Chapter **161**, Garbage, Rubbish and Refuse.

D. Such application shall be signed by the owner(s).

§ 177-7. Responsibilities and protection of tenants.

In addition to any other responsibilities of occupants referred to in this chapter, the occupants shall be required to comply with these provisions:

- A. Maintenance of property in sanitary condition.
  - (1) Every occupant of a dwelling or a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit or premises which he or she occupies and controls.
  - (2) None of the responsibilities of occupants specified in this section shall relieve the owner of his or her responsibility to maintain those parts of a rental unit which are part of the permanent or semi-permanent construction of the unit or dwelling in whole or in part in a clean, orderly and sanitary condition.
- B. Liability for violations.
  - (1) Every occupant of a dwelling unit shall be liable for a code violation as well as for any damage caused by his or her own willful act, omission, assistance, or negligence or that of any member of his or her family, or household guests if such damage results in, or contributes to, a violation of the regulations of the ICC or provisions of the Code of the City of Watertown.
  - (2) In addition to any other penalty provided by law, a judge may, at the time of sentencing upon plea or conviction, order restitution pursuant to Subsection B (1) of this section as a condition of any sentence imposed. If such restitution is ordered, except for good cause shown, it shall be paid within 30 days of the date of the sentence.
  - (3) Nothing in this section shall be interpreted so as to diminish any other lawful remedy to recover for damages.
- C. Every occupant of a dwelling unit shall keep all plumbing, cooking, electric, and all other fixtures and facilities required by this Chapter in a clean and sanitary fashion and shall also be responsible for the exercise of reasonable care in the proper use and operation of such facilities.
- D. Every occupant shall keep exits from his or her dwelling unit clear and unencumbered.
- E. Retaliation against occupants.



- (1) No owner, occupant, contractee, mortgagee, designated manager, or any other person, firm or corporation directly or indirectly in control of a building governed by this chapter shall threaten or otherwise retaliate against any occupant who has not committed a breach of the lease of contract of rental, for reporting in good faith of the existence of any violation of the provisions of this chapter or any other applicable laws, statutes, ordinances or regulations, or for, in good faith, availing himself or herself of any legal remedy to secure or enforce rights under his or her lease or agreement, or provided by law.
- (2) No owner, occupant, contractee, mortgagee, designated manager, or any other person, firm or corporation directly or indirectly in control of a building or a part thereof shall threaten or otherwise retaliate against any occupant who lives in a dwelling or dwelling unit where the Department has initiated action by giving notice to the owner or persons responsible for the dwelling because the Department believes there has been a violation of any provision of this chapter.
- (3) No owner, occupant, mortgagee, designated manager, or any other person, firm or corporation directly or indirectly in control of a building or a part shall threaten or otherwise retaliate against any occupant who has exercised any of his or her rights as described in this chapter.
- (4) The defense of retaliatory action may be raised by the occupant in an eviction action, summary proceeding or other action relating to the right of the occupant to remain in possession of premises.

## ARTICLE II

### § 177-8. Registration application fees.

- A. Registration application fee. A nonrefundable registration application fee shall be paid to the City upon filing each application for a certificate of registration of a rental occupancy and/or for a rental dwelling, in an amount to be set from time to time by the City Council by resolution. The City Council resolution may, in its discretion, but subject to applicable law, establish a schedule or schedules setting different application fees for different categories of applicants or properties.
- B. The fees required by this section shall be waived for any applicant that demonstrates to the satisfaction of the Code Enforcement Official that it is a not-for-profit housing development corporation organized under the laws of the State of New York and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulation.

### § 177-9. Review of application.

The Code Enforcement Official shall review each application for completeness and accuracy. The Code Enforcement Official shall also review all available information to confirm that the rental property and all rental dwelling units thereon are in compliance with the ICC or provisions of the Code of the City of Watertown at the time the application is made. The application shall be accepted and a **Certificate of Registration** shall be issued if, based on all such available information, such application is found to be complete and accurate. Notice to the owner of acceptance or rejection of the application shall be made in writing.

### § 177-10. Term of **Certificate of Registration**.

A **Certificate of Registration** pursuant to this chapter shall be valid for as long as the information in the application remains complete and accurate, but in no case for more than a period of three (3) years from the date on which the certificate is issued. The owner shall file with the Department a new application in accordance with the requirements of this chapter a) no less than 60 days prior to 1) the expiration of the then current certificate or 2) if sooner, the date set forth in any contract of sale for the closing of transfer of title to the rental dwelling unit or rental property; or b) except for any change in the information provided in the application pursuant to § **177-6A(3)**, in the event that the prior application is no longer complete or accurate, within 30 days following the occurrence of the event or change in circumstances requiring the updating of such information. In the event a new application is not filed if and when required pursuant to Item a)2) or b) of this § **177-10**, the existing certificate of registration shall be null and void.

### § 177-11. Record of registrations.

It shall be the duty of the Code Enforcement Official to maintain a record of registrations pursuant to this chapter. Such register shall be kept by owner name and by street address, showing the name and address of the owner, the number of rental dwelling units at such street address, and the date of expiration of registration for such property. Each application shall be maintained in accordance with all record retention requirements applicable to the City and shall be subject to

public disclosure, inspection and copying in accordance with the requirements of the applicable law of the State of New York.

§ 177-12. Presumptions applicable to rental registration enforcement and prosecutions.

- A. Within the context of this chapter, the presence or existence of any one of the following shall create a rebuttable presumption that a premises is being used as a rental property or a rental dwelling unit:
- (1) There exists a written or oral lease or rental arrangement, payment or agreement for all or any portion of any building or structure located on the property by and between the owner and any tenants, occupants and/or other persons or entities in possession thereof.
  - (2) The property is occupied by someone other than the owner, and the owner represents in writing or otherwise, to any person or establishment, business, institution or government agency, that the owner resides at an address other than the rental property.
  - (3) Utilities, cable, phone or other services are in place or requested to be installed or used at the premises or any portion thereof in the name of someone other than the owner.
  - (4) There are separate entrances for segregated parts of any building or structure located on the property.
  - (5) There are partitions or internal doors which may serve to bar access between segregated portions of any building or structure located on the property, including but not limited to bedrooms.
  - (6) Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all dwelling units in a building or structure.
  - (7) Two or more complete dwelling units, as defined herein or in the Residential Code of New York State, exist in any building or structure located on the property.
  - (8) A premises has been advertised in any newspaper, magazine, local advertising publication, or posted or billed as being available for rent.
- B. The presumptions set forth above, subject to the limitations contained therein, shall also be applicable to enforcement and prosecution of illegal residential use and occupancy violations under other articles of the City Code.
- C. Nothing herein shall be construed to prevent persons living together with any owner as a two-family unit as defined by the City Code.

**§ 177-13. Registration effective date and deadline.**

**The rental registration portions of this Chapter shall be effective beginning January 1, 2018 for all owners in the City of Watertown, Jefferson County, New York. All owners in the City of Watertown must register their property/rental dwelling unit(s) as required by this section on or before June 30, 2018.**

**ARTICLE III**

§ 177-14. **Procedures to Obtain Voluntary** Certificate of Inspection and Maintenance Compliance.

- A. Voluntary Inspections. After July 1, 2018, upon the request of any rental unit owner, managing agent, or tenant, the Code Enforcement Official shall have authority to inspect the subject rental property/rental dwelling unit(s). In doing so, the Code Enforcement Official shall be entitled to rely upon the representation of said owner or managing agent that the inspection of any occupied unit is with the consent of the tenant. Upon successful inspection, a Certificate of Inspection and Maintenance Compliance will be issued.**
- B. A Certificate of Inspection and Maintenance Compliance issued under (A) above will be valid for three (3) years from the last day of the month in which it is issued, and therefore must be kept current to be effective.**

§ 177-15. Inspection Procedures.

- A. Inspection Procedures. A Certificate of Inspection and Maintenance Compliance may only be obtained after an inspection of the dwelling, including all dwelling units, by the Code Enforcement Official or his or her deputies. Either a Certificate of Inspection and Maintenance Compliance or a Notice of Violation shall be issued within fifteen (15) days after the date of such inspection.

If violations are found during the inspection, such violations shall be corrected, or the dwelling unit vacated, within a period of time ranging from ten (10) days to six (6) months, depending on the severity of the violation and the physical requirements necessary to remedy such violations, as determined by the Code Enforcement Official.

A reinspection may be conducted at any time during the period of the Certificate of Inspection and Maintenance Compliance, with a minimum of ten (10) days notice to the owner or his agent, if a signed complaint of non-compliance is received from a person or persons renting a dwelling unit, or upon less notice if deemed necessary by the Code Enforcement Official in case of emergency. Such reinspection shall have the same force as the original inspection.

An owner's refusal to permit ~~inspection or reinspection shall be deemed a surrender of any previously issued Certificates, and shall preclude the issuance of an original Certificate.~~ inspection of a tenant's rental unit shall be admissible as evidence of a breach of the warranty of habitability in any action by the landlord for remedy under the lease or to recover real property in a special proceeding under the provisions of the N.Y. Real Property Actions and Proceedings Law."

- B. Posting of Certificate of Inspection and Maintenance Compliance. The Certificate of Inspection and Maintenance Compliance issued pursuant to this Chapter shall be posted in a conspicuous place in the dwelling upon its issuance. The Certificate shall be valid for a period of three (3) years from the date of issuance unless a reinspection discloses violations. Upon correction of the violations, the Certificate shall then be valid for the remainder of the original period of issuance.

#### ARTICLE IV

##### § 177-16. Penalties for offenses.

- A. **Any rental dwelling unit not registered pursuant to the provisions of this Chapter shall not, after June 30, 2018, be offered for rental.** Any owner whose failure to comply with the provisions of this chapter results in legal action by the City to either compel compliance or to enjoin occupancy shall be liable to the City, as part of any judgment obtained by the City, for the City's costs, including reasonable attorney's fees, in obtaining such judgment.

#### ARTICLE V

##### § 177-17. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.

**At the call of the chair, a vote was taken on the foregoing local law as amended and carried with all voting yea except Council Member Mark C. Walczyk voting nay.**

#### STAFF REPORTS

##### **Proposed 2017 Sidewalk Program District #12**

Mayor Butler reviewed the three options listed in the memos for a proposed district.

Mr. Wood explained option one has been on their radar for the past few years and it targets a neighborhood with high pedestrian traffic but option two and option three follows CHIPS funding paving projects which has also been a goal to follow paving with sidewalks. He discussed the 2017 CDBG sidewalk improvement project which would continue the sidewalk along Huntington Street.

Council concurred to move forward with option one.

The rate charged to the property owners was discussed and Mr. Wood advised that in order to bring the program back in line with the original cost distribution that the program was conceived upon, the rate would need to increase from \$5.75 per square foot to \$6.50 per square foot.

Mayor Butler suggested keeping the rate at \$5.75 because to increase to \$6.50 is substantial, which is fine if it only involves a few sidewalk blocks but is expensive if it is a complete sidewalk replacement.

Council Member Macaluso proposed increasing it to \$6.00 because if the fee is not increased, the remaining cost goes to the rest of the taxpayers.

Council Member Walczyk agreed with Council Member Macaluso.

Council Member Horbacz and Council Member Jennings agreed with Mayor Butler.

### **Transportation Alternatives Program (TAP) Grant Funding**

Michael Lumbis, Planning and Community Development Director, reviewed his memo in detail, stressing the Black River Trail could be extended from Walker Avenue in Meadowbrook Apartment complex to Waterworks Park through this grant with a cost to the City of approximately \$57,000. In order to fund the proposed project, he advised the approved 2016-17 Capital Budget would need to be modified to eliminate the Factory Square Park Trail and replace it with this project. In response to Council Member Walczyk's question, Mr. Lumbis said the Factory Square Park Trail would have been a nice tie into the Factory Street Reconstruction project but in the overall plan, this project is higher priority in providing access to more users. He added that the Waterworks parking lot will provide a nice trailhead to a ten mile loop into the Black River Trail.

Council Member Jennings said he will support a resolution for the next meeting.

### **Request for Abate – 148 Bellew Avenue**

Mayor Butler read the memo requesting an abatement of the \$150 surcharge fee.

## **NEW BUSINESS**

### **Dog Park – S.G. Gates' Comments**

Council Member Horbacz asked if Attorney Slye should review the information submitted by Mr. Gates regarding a potential suit against the City.

Mayor Butler commented that he would not have Mr. Slye put any time into reviewing it. He indicated that he was not concerned about a potential lawsuit on the grounds that the City was discriminating against dog owners. Mentioning the dog ban, he said there are other places where dogs are not allowed. He stressed he is not anti-dog but rather he is pro-child and if he can eliminate a dog from attacking a child in a concentrated area like the Farmers' Market, then he will never change his position on this.

### **Request by Hedy Cirrincione for Abatement of Water and Sewer Bill**

This request was discussed in detail and Ms. Murphy indicated that previous Water Superintendent Sligar's investigation showed that this was a lengthy leak which lasted 56 days and ranged from 16,000 – 19,000 gallons per day. She said he felt that it should have been detected by either the resident or by

routine visits from the owner or property manager so he did not recommend waiving any charges. She explained the leak was in the basement and it damaged the meter.

Ms. Cirrincione stated there is not a sump pump and it is an old building with an old drain system. She argued the water did not go through the sewer system so she should not have to pay for the sewer portion. In addition, she said the tenant failed to tell her of the problem even though they reported to the Water Department that they did.

Mayor Butler indicated that Council needs time to review this and will need to get more information from Ms. Murphy and Ms. Cirrincione before making a determination.

#### **Van Duzee Property and Nancy Henry's Proposal for a Brewery**

Council Member Horbacz said this sounds like a good proposal.

Mayor Butler advised the sale of real property should be discussed during executive session.

Council Member Walczyk commented that the Garland City Beer Works is a good idea and he would like to see this property back on the tax roll so he hopes Council supports this.

#### **Request for a Reduced Fee for Thompson Park Pavilion by Ohio School**

Erin Gardner, Superintendent of Parks and Recreation, provided Council with further information regarding this event.

Council Member Macaluso said she would support this because it is for school kids and noted she does not like doing waivers for business. She suggested charging \$50.

Council Member Jennings said he would keep the fee the same because there is a cost to having staff setup and clean the area.

Council Member Walczyk suggested reducing it to \$150 but warned about being consistent.

Council discussed this further and decided to leave the fee at \$200.

#### **Thompson Park Pool**

Council Member Walczyk asked if the Water Fund could be used to pay for the pool.

Mayor Butler advised against it.

#### **Budget Process**

Council Member Walczyk noted that a lot of budgetary items are discussed outside of the budget process.

Mayor Butler explained that sometimes change orders come up unexpectedly.

#### **October Work Session**

Mayor Butler announced that the work session will be on Tuesday, October 11 starting at 5:30 p.m.

**Curbing on Elm Street**

In response to Mayor Butler's inquiry, Eugene Hayes, Superintendent of Public Works, said curbing is prioritized. He stated the section of Elm Street in question is a dead end street and it is in good condition, whereas the section that was curbed was done along with a paving reconstruction.

**Mr. Sprague's Comments – Bulk Pick-up**

Mayor Butler reminded Mr. Sprague that the City offers a Bulk Pick-up Program and the City can be called to pick up large items through this program.

**Mayor's Ball**

Mayor Butler reported this was a nice event that raised money for some good causes.

**Motion was made by Council Member Stephen A. Jennings to move into Executive Session to discuss proposed, pending or current litigation.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Council moved into Executive Session at 9:30 p.m.

Council reconvened at 9:53 p.m.

The following resolution was offered.

**Resolution - To Settle Action to Review Real Property Assessment at 1014 Arsenal Street, Parcel # 8-7-104**

**Introduced by Council Member Cody J. Horbacz**

WHEREAS certain premises owned by AutoZone, Inc. in the City of Watertown at 1014 Arsenal Street, Parcel No. 8-7-104 on the assessment roll and map of the City ("AutoZone") are assessed upon the assessment roll of the City for the payment of taxes starting with Tax Year 2014 as follows:

2014	\$1,142,700
2015	\$1,142,700
2016	\$1,196,000

and

WHEREAS AutoZone has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Review of the City for Tax Years 2014, 2015, and 2016, and

WHEREAS the parties, after exchange of trial appraisals have agreed that the assessment shall be adjusted as follows:

2014	\$1,029,600
2015	\$1,029,600

2016	\$1,076,400
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and

WHEREAS the parties have agreed that the assessment for Tax Years 2017 through 2019 shall be governed by NY RPTL §727, and

WHEREAS in consideration of the City adjusting and setting the assessment as set forth above, the Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the RPTL in the State of New York or any under any other applicable provisions of law for Tax Years 2017 through and including 2019, except as otherwise authorized by RPTL §727, and

WHEREAS the City Assessor reserves the right to adjust the assessment on the subject property for Tax Years 2017 through and including 2019 as authorized by RPTL §727, and similarly, the Petitioners shall not be barred from challenging and/or commencing proceedings to review the assessment on the subject premises in those instances, and

WHEREAS a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interests of the respondents,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the City Attorneys for the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal stipulation of settlement and discontinuance of the aforesaid proceedings with counsel for AutoZone on the following terms and conditions:

1. That the total assessment of the subject property owned by AutoZone, Inc. and known as Tax Parcel # 8-7-104 shall be reduced to \$1,029,600 for Tax Years 2014 and 2015 with rebates; and as so adjusted shall be finally fixed and determined and that the assessment roll be corrected as required.
2. That the total assessment of the subject property owned by AutoZone, Inc. and known as Tax Parcel # 8-7-104 shall be reduced to \$1,076,400 for Tax Year 2016 with rebates; and as applicable, and as so adjusted shall be finally fixed and determined and that the assessment roll be corrected as required.
3. That the total assessment of the subject property shall be unchanged for Tax Years 2017, 2018, and 2019, and as so adjusted shall be finally fixed and determined.
4. That the above adjustments for the rebates are made in consideration of the Petitioner's agreement not to commence Tax Assessment Review Proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provisions of law for Tax Years 2017, 2018, and 2019 so long as the assessment is fixed as set forth above.
5. The City reserves the right to adjust the assessment of the subject property as authorized by RPTL §727.

6. In the instances specified at paragraph 5 above, the Petitioner reserves the right to challenge the assessment on the subject property as relates to RPTL §727.
7. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to reduce said assessment without costs to either party as against the other and upon such terms and conditions as are set forth above; and

BE IT FURTHER RESOLVED that the City Assessor, the City Attorneys, and all other municipal officers, agents or employees be and are hereby directed to do such acts and things that may be necessary to give full force and effect to the aforesaid settlement,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso**

**Rules waived by Motion of Council Member Cody J. Horbacz, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

### **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 9:54 p.m. by motion of Council Member Mark C. Walczyk, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.**

**Ann M. Saunders**  
City Clerk